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Before the
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Part 21 of the
Commission's Rules for the Domestic
Public Fixed Radio Services

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CC Docket No. 93-2

COMMENTS

OF

NATIONAL SPECTRUM MANAGERS ASSOCIATION

ON THE

NOTICE OF PROPOSED RULEMAKING

NATIONAL SPECTRUM MANAGERS ASSOCIATION, INC.

Sambran Sandoval
President

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**COMMENTS OF
NATIONAL SPECTRUM MANAGERS ASSOCIATION
ON THE
NOTICE OF PROPOSED RULEMAKING**

The National Spectrum Managers Association (NSMA) respectfully submits its comments in response to the Commission's Notice of Proposed Rule Making (NPRM) in CC Docket 93-2. The Commission proposes to revise Part 21 of its Rules to permit Point-to-Point Microwave Radio Service (PPMS) applicants to commence construction of proposed facilities under certain circumstances before obtaining Commission authorization.

The NSMA, established in 1984, is a voluntary association of individuals involved in the frequency coordination of terrestrial microwave and satellite earth stations. One goal of the Association is to supplement the Commission's coordination rules with procedural and technical recommendations developed in an open industry forum of coordinators, licensees, and manufacturers. The NSMA's objective is to make the frequency coordination process more efficient and effective.

Frequency Coordination and Public Notice Comment Period

NSMA agrees with the Commission that frequency conflicts and other issues are often resolved by PPMS applicants with minimal Commission intervention. The public notice airing of filed data produces considerable behind-the-scenes activity, usually without any Commission notification or involvement. The benefits of this process, which allows review and verification of filed data, and the resolution of conflicts by the affected parties, justifies continuing with the public notice and comment period prior to system operation. As stated in NSMA's Reply Comments to the McCaw Petition for Rulemaking,¹ the importance of retaining the entire frequency coordination process from start to finish cannot be overemphasized. There are many elements to the complete frequency coordination process that are important to ensure that licensed facilities will not be subject to unacceptable levels of interference. The process starts with the desire for frequency utilization, followed by an accurate determination of the proposed parameters, and complete analysis to determine the feasibility of the proposal. Then the proposal is communicated to existing users in the area, other applicants, and coordinators (the notification required by 47 CFR 21.100(d)(2)(ii)) who may be affected by the proposal with adequate time to reply (the response required by 47 CFR 21.100(d)(2)(iv)) and resolve potential conflicts if necessary. The frequency coordination process continues with the Commission's Public Notice process which allows verification of coordinated data by all affected parties, a very important step. PPMS users rely on the public notice and comment period to verify that the technical parameters which have been filed for match those which have been previously coordinated and that no unresolved interference complaints remain. NSMA submits that, although the Commission may not receive many requests for

¹See Reply Comments, filed January 13, 1992, RM 7861

applications to be held for frequency coordination discrepancies, most conflicts are worked out among the parties, knowing that the process is in place to involve the Commission if necessary. NSMA supports the Commission's position to retain this vital verification step in the coordination process.

Commission Authorization Prior to Operation

Regarding the Commission's proposal not to permit operation of proposed facilities until after authorization is granted, NSMA believes this is appropriate and is in the public interest. The established frequency coordination process, including the crucial steps of notification, response, and verification, must be completed prior to grant and commencement of service.

FCC Forms 494A and 494

NSMA is concerned that elimination of FCC Form 494A for modifications and notification of completion of construction would result in modification of facilities being made without authorization or proper frequency coordination. A formal notification process is required to assure that the requirement for frequency coordination is met and to preserve the ability to accurately maintain frequency coordination databases.

In addition, NSMA proposes a change to the proposed FCC Form 494, specifically Question 21 "Frequency Coordination", which would eliminate the requirement for listing the entities notified and the notification and response dates. Inclusion of a list of all of the entities notified and their respective individual response dates appears to represent an unnecessary requirement on applicants, therefore, NSMA proposes the following wording:

Frequency Coordination (Only Local TV Transmission Service and Fixed Stations in the Point-to-Point Microwave Services, including Temporary Fixed)

Has prior frequency coordination or notification of this proposal been completed pursuant to 47 CFR 21.100(d)? Yes ____ No ____

Submit as Exhibit No. ____, the dates of the most recent relevant prior frequency coordination notifications which pertain to the subject application including, as applicable, an explanation of any unresolved reports of potential interference, and an explanation in cases where the application has been filed less than 30 days after the most recent prior frequency coordination.


If NO, submit as Exhibit No. ____, an explanation of why coordination or notification ~~sh~~ not been completed or why the applicant believes that coordination or notification is not required.

Conclusion

NSMA applauds the Commission for its continuing efforts in streamlining its rules and offers these comments to assist in those efforts. NSMA believes that in the process of frequency coordination, it is important for the Public Notice and comment period take place prior to operation. Facilities can be constructed, but must not be operational until authority is granted by the Commission. NSMA also believes that modifications of facilities and notifications should still be filed on an FCC Form 494A, which would allow frequency coordinators to receive notification facilitating the maintenance of accurate databases.

Respectfully submitted,

NATIONAL SPECTRUM MANAGERS ASSOCIATION, INC.

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